

AO245D

(Rev. 09/19) Judgment in a Criminal Case For Revocations
Sheet 1

UNITED STATES DISTRICT COURT

Western District of Washington

UNITED STATES OF AMERICA

v.

David A. McKean

JUDGMENT IN A CRIMINAL CASE

(For Revocation of Probation or Supervised Release)

Case Number: 3:17CR05043JHC-001

USM Number: 43720-086

Jesse Guerrero Cantor

Defendant's Attorney

THE DEFENDANT:

of the petitions dated 09/06/2022, 10/18/2022,
10/28/2022, 12/15/2022, and 02/10/2023,
05/01/2023, 07/21/2023

- ☒ admitted guilt to violation(s) _____
- ☐ was found in violation(s) _____ after denial of guilt.

The defendant is adjudicated guilty of these offenses:

<u>Violation Number</u>	<u>Nature of Violation</u>	<u>Violation Ended</u>
1.	Using methamphetamine	08/12/2022
2.	Using fentanyl	08/04/2022
3.	Using amphetamine	08/04/2022

(See additional violations on page 2)

The defendant is sentenced as provided in pages 2 through 5 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

- ☐ The defendant has not violated condition(s) _____ and is discharged as to such violation(s).

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States Attorney of material changes in economic circumstances.

Dane A. Westermeyer
Assistant United States Attorney

3/31/2025
Date of Imposition of Judgment

John H. Chun
Signature of Judge

John H. Chun, United States District Judge
Name and Title of Judge

3-31-25
Date

DEFENDANT: **David A. McKean**
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ADDITIONAL COUNTS OF CONVICTION

<u>Violation Number</u>	<u>Nature of Violation</u>	<u>Violation Ended</u>
4.	Failing to report for urinalysis testing	08/25/2022
5.	Using methamphetamine	09/19/2022
6.	Using amphetamine	09/19/2022
7.	Using fentanyl	09/19/2022
8.	Using fentanyl	10/18/2022
9.	Using methamphetamine	10/18/2022
10.	Using fentanyl	11/29/2022
11.	Using methamphetamine	11/29/2022
12.	Failing to submit a urinalysis sample	11/16/2022
13.	Failing to participate in substance use disorder treatment	11/09/2022
14.	Using marijuana	11/29/2022
15.	Using methamphetamine	12/29/2022
16.	Using fentanyl	12/29/2022
17.	Using cocaine	12/29/2022
18.	Using marijuana	02/27/2023
19.	Committing the offense of Theft in the Third Degree	10/26/2022
20.	Using marijuana	03/16/2023
21.	Using methamphetamine	04/03/2023
22.	Using fentanyl	04/03/2023
23.	Committing the offense of Theft in the Third Degree	04/18/2023
24.	Possessing a controlled substance	06/13/2023
25.	Failing to participate in substance use disorder treatment	06/25/2023
26.	Using methamphetamine	07/07/2023
27.	Using fentanyl	07/07/2023
28.	Committing the offense of possession of drug contraband in federal penal institution.	09/10/2023

DEFENDANT: **David A. McKean**
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IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of:

120 days in custody, to run consecutively to sentence in 23-154

☒ The court makes the following recommendations to the Bureau of Prisons:

See recommendations in case 23-154

☒ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district:

- ☐ at _____ ☐ a.m. ☐ p.m. on _____ .
☐ as notified by the United States Marshal.

☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

- ☐ before 2 p.m. on _____ .
☐ as notified by the United States Marshal.
☐ as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____
at _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____
DEPUTY UNITED STATES MARSHAL

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Sheet 5 — Criminal Monetary Penalties

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DEFENDANT: **David A. McKean**
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CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>Restitution</u>	<u>Fine</u>	<u>AVAA Assessment*</u>	<u>JVTA Assessment**</u>
TOTALS	\$ 100	\$ N/A	\$ Waived	\$ N/A	\$ N/A

- ☐ The determination of restitution is deferred until _____. An Amended Judgment in a Criminal Case (AO 245C) will be entered after such determination.
- ☐ The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss***</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
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TOTALS	<u>\$ 0.00</u>	<u>\$ 0.00</u>
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- ☐ Restitution amount ordered pursuant to plea agreement \$ _____
- ☐ The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).
- ☐ The court determined that the defendant does not have the ability to pay interest and it is ordered that:
- ☐ the interest requirement is waived for the ☐ fine ☐ restitution
- ☐ the interest requirement for the ☐ fine ☐ restitution is modified as follows:
- ☐ The court finds the defendant is financially unable and is unlikely to become able to pay a fine and, accordingly, the imposition of a fine is waived.

* Amy, Vicky, and Andy Child Pornography Victim Assistance Act of 2018, Pub. L. No. 115-299.

** Justice for Victims of Trafficking Act of 2015, Pub. L. No. 114-22.

*** Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

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SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties is due as follows:

- ☒ PAYMENT IS DUE IMMEDIATELY. Any unpaid amount shall be paid to Clerk's Office, United States District Court, 700 Stewart Street, Seattle, WA 98101.
- ☒ During the period of imprisonment, no less than 25% of their inmate gross monthly income or \$25.00 per quarter, whichever is greater, to be collected and disbursed in accordance with the Inmate Financial Responsibility Program.
- ☒ During the period of supervised release, in monthly installments amounting to not less than 10% of the defendant's gross monthly household income, to commence 30 days after release from imprisonment.
- ☐ During the period of probation, in monthly installments amounting to not less than 10% of the defendant's gross monthly household income, to commence 30 days after the date of this judgment.

The payment schedule above is the minimum amount that the defendant is expected to pay towards the monetary penalties imposed by the Court. The defendant shall pay more than the amount established whenever possible. The defendant must notify the Court, the United States Probation Office, and the United States Attorney's Office of any material change in the defendant's financial circumstances that might affect the ability to pay restitution.

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during the period of imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program are made to the United States District Court, Western District of Washington. For restitution payments, the Clerk of the Court is to forward money received to the party(ies) designated to receive restitution specified on the Criminal Monetaries (Sheet 5) page.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

- ☐ Joint and Several

Case Number Defendant and Co-Defendant Names (including defendant number)	Total Amount	Joint and Several Amount	Corresponding Payee, if appropriate
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- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court cost(s):
- ☐ The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) AVAA assessment, (5) fine principal, (6) fine interest, (7) community restitution, (8) JVT Assessment, (9) penalties, and (10) costs, including cost of prosecution and court costs.